

JUDGE MANNING
MAGISTRATE JUDGE DENLOW
BR

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

FILED-11
2008 DEC 19 AM 10:00
CLERK OF CIRCUIT COURT
LAW DIVISION
08838
Atty. No. 40896

KATHERINE McCLENDON,

Plaintiff,

v.

BRYAN GUY and FAMILY
TRANSPORTATION, INC.,

Defendants.

NO.

COMPLAINT AT LAW

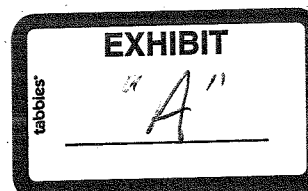
NOW COMES the plaintiff, KATHERINE McCLENDON, by and through her attorneys,
DWYER & McDEVITT, LTD., and in support of her complaint at law against the defendants,
BRYAN GUY and FAMILY TRANSPORTATION, INC., hereby states as follows:

COUNT I
(BRYAN GUY)

1. On March 14, 2007, Damen Avenue was a thoroughfare in the City of Chicago,
County of Cook and State of Illinois which ran in a generally northerly and southerly direction at
or near its intersection with Van Buren Street.

2. On March 14, 2007, Van Buren Street was a thoroughfare in the City of Chicago,
County of Cook and State of Illinois which ran in a generally easterly and westerly direction at
or near its intersection with Damen Avenue.

3. On March 14, 2007, KATHERINE McCLENDON was the owner and operator of
a motor vehicle proceeding in an westerly direction on Van Buren Street and intending to enter
its intersection with Damen Avenue.



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4. On March 14, 2007, BRYAN GUY was the operator of a motor vehicle proceeding in a northerly direction on Damen Avenue at or about its intersection with Van Buren Street.

5. On March 14, 2007, FAMILY TRANSPORTATION, INC. was an Illinois Corporation which owned the motor vehicle operated by BRYAN GUY.

6. On March 14, 2007, BRYAN GUY was the agent, servant or employee of FAMILY TRANSPORTATION, INC. and at all times herein relevant was acting within the scope of his agency, servancy or employment.

7. On March 14, 2007, KATHERINE McCLENDON, traveling in a westerly direction, entered the intersection of Van Buren Street and Damen Avenue, at which time BRYAN GUY entered the aforementioned intersection traveling in a northerly direction.

8. That at the time BRYAN GUY entered the intersection of Van Buren Street and Damen Avenue, the traffic signal governing northbound traffic on Damen Avenue was red.

9. That at the aforesaid time and place, the front of the vehicle operated by BRYAN GUY came into contact with the driver's side of the vehicle operated by KATHERINE McCLENDON.

10. That at all times herein relevant, it was the duty of the defendant, BRYAN GUY, to exercise reasonable care and caution in the operation of the motor vehicle under his control.

11. That notwithstanding his duty as aforestated, the defendant, BRYAN GUY, was guilty of one or more or all of the following negligent acts or omissions to act:

- (a) Failed to stop at the red traffic signal governing northbound traffic on Damen Avenue contrary to and in violation of 625 ILCS 5/11-306;
- (b) Operated the vehicle under his control in a reckless fashion contrary to and in violation of 625 LCS 5/11-503;

- (c) Failed to reduce his speed to avoid an accident contrary to and in violation of 625 ILCS 5/11-601;
- (d) Operated the motor vehicle under his control at an excessive rate of speed contrary to and in violation of 625 ILCS 5/11-601;
- (e) Failed to use or sound his horn when it was required for safe operation of the vehicle, contrary to and in violation of 625 ILCS 5/12-601;
- (f) Failed to undertake a maneuver necessary to avoid an accident;
- (g) Failed to keep a proper lookout for the condition of traffic on the roadway.

12. That as a direct and proximate result of one or more or all of the aforesaid negligent acts or omissions to act, KATHERINE McCLENDON suffered serious personal injury, has and will in the future expend sums of money in an effort to obtain medical care and treatment, and, lastly has and will in the future experience pain and suffering as a result of the injury suffered.

WHEREFORE, the plaintiff, KATHERINE McCLENDON, prays that this Court enter judgment in her favor and against the defendant, BRYAN GUY, in an amount exceeding \$50,000.00, plus costs.

Count II
(FAMILY TRANSPORTATION, INC.)

1. On March 14, 2007, Damen Avenue was a thoroughfare in the City of Chicago, County of Cook and State of Illinois which ran in a generally northerly and southerly direction at or near its intersection with Van Buren Street.

2. On March 14, 2007, Van Buren Street was a thoroughfare in the City of Chicago, County of Cook and State of Illinois which ran in a generally easterly and westerly direction at or near its intersection with Damen Avenue.

3. On March 14, 2007, KATHERINE McCLENDON was the owner and operator of a motor vehicle proceeding in a westerly direction on Van Buren Street and intending to enter its intersection with Damen Avenue.

4. On March 14, 2007, BRYAN GUY was the operator of a motor vehicle proceeding in a northerly direction on Damen Avenue at or about its intersection with Van Buren Street.

5. On March 14, 2007, FAMILY TRANSPORTATION, INC. was an Illinois Corporation which owned the motor vehicle operated by BRYAN GUY.

6. On March 14, 2007, BRYAN GUY was the agent, servant or employee of FAMILY TRANSPORTATION, INC. and at all times herein relevant was acting within the scope of his agency, servancy or employment.

7. On March 14, 2007, KATHERINE McCLENDON, traveling in a westerly direction, entered the intersection of Van Buren Street and Damen Avenue, at which time BRYAN GUY entered the aforementioned intersection traveling in a northerly direction.

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9. That at the aforesaid time and place, the front of the vehicle operated by BRYAN GUY came into contact with driver's side of the vehicle operated by KATHERINE McCLENDON.

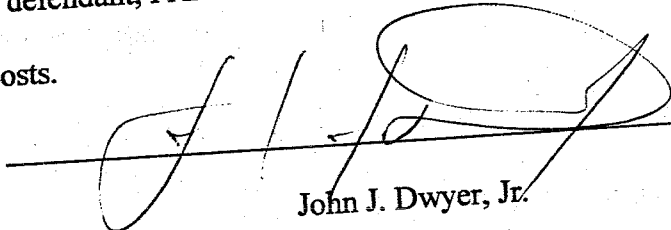
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11. That notwithstanding his duty as aforesaid, the defendant, BRYAN GUY, was guilty of one or more or all of the following negligent acts or omissions to act:

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- (c) Failed to reduce his speed to avoid an accident contrary to and in violation of 625 ILCS 5/11-601;
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- (e) Failed to use or sound his horn when it was required for safe operation of the vehicle, contrary to and in violation of 625 ILCS 5/12-601;
- (f) Failed to undertake a maneuver necessary to avoid an accident;
- (g) Failed to keep a proper lookout for the condition of traffic on the roadway.

12. That as a direct and proximate result of one or more or all of the aforesaid negligent acts or omissions to act, KATHERINE McCLENDON suffered serious personal injury, has and will in the future expend sums of money in an effort to obtain medical care and treatment, and, lastly has and will in the future experience pain and suffering as a result of the injury suffered.

WHEREFORE, the plaintiff, KATHERINE McCLENDON, prays that this Court enter judgment in her favor and against the defendant, FAMILY TRANSPORTATION, INC., in an amount exceeding \$50,000.00, plus costs.



John J. Dwyer, Jr.

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088938
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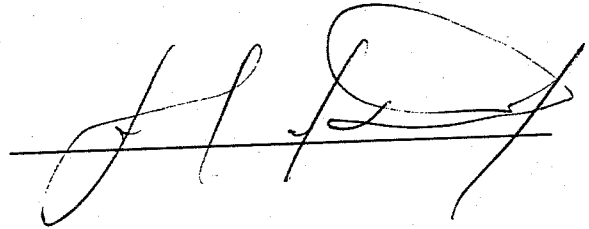
BRYAN GUY and FAMILY
TRANSPORTATION, INC.,

Defendants.

NO.

AFFIDAVIT PURSUANT TO SUPREME COURT RULE 222(B)

Pursuant to Supreme Court Rule 222(B), counsel for the above-named plaintiff certifies that plaintiff seeks money damages in excess of Fifty Thousand and 00/100ths Dollars (\$50,000.00).



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